

111TH CONGRESS
1ST SESSION

H. R. 764

To require that ballots used in Federal elections be generally printed only in English and to amend the Voting Rights Act of 1965 to modify the requirement that certain jurisdictions provide ballots and other voting materials in languages other than English, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2009

Mr. HELLER introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require that ballots used in Federal elections be generally printed only in English and to amend the Voting Rights Act of 1965 to modify the requirement that certain jurisdictions provide ballots and other voting materials in languages other than English, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Elections
5 Act of 2009”.

1 **SEC. 2. REQUIRING BALLOTS USED IN FEDERAL ELEC-**
 2 **TIONS TO BE PROVIDED ONLY IN ENGLISH**
 3 **LANGUAGE.**

4 (a) IN GENERAL.—Subtitle A of title III of the Help
 5 America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is
 6 amended by inserting after section 303 the following new
 7 section:

8 **“SEC. 303A. REQUIRING BALLOTS USED IN FEDERAL ELEC-**
 9 **TIONS TO BE PROVIDED ONLY IN ENGLISH**
 10 **LANGUAGE.**

11 “(a) IN GENERAL.—Except to the extent required
 12 under section 203 of the Voting Rights Act of 1965, all
 13 ballots and balloting material used with respect to an elec-
 14 tion for Federal office, including all voting information de-
 15 scribed in section 302(b), may be provided only in the
 16 English language.

17 “(b) EFFECTIVE DATE.—This section shall apply
 18 with respect to the regularly scheduled general election for
 19 Federal office held in November 2010 and each succeeding
 20 election for Federal office.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) CONTENTS OF PERIODIC ELECTION ADMIN-
 23 STRATION STUDIES.—Section 241 of such Act (42
 24 U.S.C. 15381) is amended—

25 (A) in subsection (a)(1)—

1 (i) by striking “voters, individuals”
 2 and inserting “voters and individuals”, and

3 (ii) by striking “, and voters with lim-
 4 ited proficiency in the English language”;
 5 (B) in subsection (b)(5)—

6 (i) by striking “impaired), Native
 7 American” and inserting “impaired) and
 8 Native American”, and

9 (ii) by striking “, and voters with lim-
 10 ited proficiency in the English language”;
 11 and

12 (C) by striking subsection (b)(14).

13 (2) ENFORCEMENT OF REQUIREMENT.—Section
 14 401 of such Act (42 U.S.C. 15511) is amended by
 15 striking “and 303” and inserting “, 303, and
 16 303A”.

17 (c) CLERICAL AMENDMENT.—The table of contents
 18 of such Act is amended by inserting after the item relating
 19 to section 303 the following:

“303A. Requiring ballots used in Federal elections to be provided only in
 English language.”.

1 **SEC. 3. BILINGUAL ELECTION REQUIREMENTS FOR CER-**
 2 **TAIN POLITICAL SUBDIVISIONS WITH POPU-**
 3 **LATIONS OF AMERICAN INDIANS OR ALASKA**
 4 **NATIVES.**

5 Section 203 of the Voting Rights Act of 1965 (42
 6 U.S.C. 1973aa–1a) is amended to read as follows:

7 “BILINGUAL ELECTION REQUIREMENTS FOR CERTAIN PO-
 8 LITICAL SUBDIVISIONS WITH POPULATIONS OF
 9 AMERICAN INDIANS OR ALASKA NATIVES

10 “SEC. 203. (a) BASIS FOR REQUIREMENT.—The
 11 Congress finds that Native American dialect translations
 12 should be provided in voting materials because the lan-
 13 guages of Native Americans and Native Alaskans predate
 14 the establishment of the United States.

15 “(b) BILINGUAL VOTING MATERIALS REQUIRE-
 16 MENT.—

17 “(1) GENERALLY.—Before August 6, 2032, no
 18 covered political subdivision of a State shall provide
 19 voting materials only in the English language.

20 “(2) COVERED POLITICAL SUBDIVISIONS.—A
 21 political subdivision is a covered political subdivision
 22 for the purposes of this subsection if the Director of
 23 the Census determines, based on the 2010 American
 24 Community Survey census data and subsequent
 25 American Community Survey data in 5-year incre-
 26 ments, or comparable census data, that—

1 “(A) the political subdivision contains all
2 or any part of an Indian reservation and more
3 than 5 percent of the American Indian or Alas-
4 ka Native citizens of voting age within the In-
5 dian reservation are members of a single lan-
6 guage minority and are limited-English pro-
7 ficient; and

8 “(B) the illiteracy rate of the citizens in
9 the language minority as a group is higher than
10 the national illiteracy rate.

11 “(3) DEFINITIONS.—As used in this section—

12 “(A) the term ‘language minorities’ means
13 persons who are American Indian or Alaskan
14 Natives;

15 “(B) the term ‘voting materials’ means
16 registration or voting notices, forms, instruc-
17 tions, assistance, or other materials or informa-
18 tion relating to the electoral process, including
19 ballots;

20 “(C) the term ‘limited-English proficient’
21 means unable to speak or understand English
22 adequately enough to participate in the electoral
23 process;

24 “(D) the term ‘Indian reservation’ means
25 any area that is an American Indian or Alaska

1 Native area, as defined by the Census Bureau
2 for the purposes of the 1990 decennial census;

3 “(E) the term ‘citizens’ means citizens of
4 the United States; and

5 “(F) the term ‘illiteracy’ means the failure
6 to complete the 5th primary grade.

7 “(4) SPECIAL RULE.—The determinations of
8 the Director of the Census under this subsection
9 shall be effective upon publication in the Federal
10 Register and shall not be subject to review in any
11 court.

12 “(c) ENGLISH AND NON-ENGLISH VERSIONS.—
13 Whenever any political subdivision subject to the prohibi-
14 tion of subsection (b) of this section provides any registra-
15 tion or voting notices, forms, instructions, assistance, or
16 other materials or information relating to the electoral
17 process, including ballots, it shall provide them in the lan-
18 guage of the applicable minority group as well as in the
19 English language. However, where the language is histori-
20 cally unwritten, the political subdivision is only required
21 to furnish oral instructions, assistance, or other informa-
22 tion relating to registration and voting.

23 “(d) DECLARATORY JUDGMENT.—Any political sub-
24 division subject to the prohibition of subsection (b) of this
25 section, which seeks to provide English-only registration

1 or voting materials or information, including ballots, may
2 file an action against the United States in the United
3 States District Court for a declaratory judgment permit-
4 ting such provision. The court shall grant the requested
5 relief if it determines that the illiteracy rate of the applica-
6 ble language minority group within the political subdivi-
7 sion is equal to or less than the national illiteracy rate.”.

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